

# **ASSIGNEE'S SALE**

of valuable less tangible improved real property located  
in the Woodburn Election District (incorrectly stated to  
be in the Johnsville Election District) of Frederick Coun-  
ty, Maryland, located in or near Lathesburg, Maryland.  
Under and by virtue of a power of sale contained in a  
mortgage from Smith Brothers, Inc. unto Farmers and  
Merchants Bank of Hagerstown, dated January 3, 1978,  
said mortgage being recorded at Book 1034, page 600,  
one of the Land Records of Frederick County, with said  
mortgage being in default and having been assigned  
unto the undersigned assignee for foreclosure, the  
undersigned will offer for sale at public auction at the  
clock tower of the Frederick County Courthouse located  
at 100 West Patrick Street in Frederick City, Maryland.

TUESDAY, MARCH 25, 1986  
AT 10:00 A.M.

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all the following real estate and improvements being  
subject to the above mortgage.

subject to the above mortgage.

**PARCEL NO 1.** All that tract or parcel of land situate, lying and being in Woodsboro Election District (incorrectly stated to be in the Johnsville District), Frederick County, State of Maryland, and more particularly described as follows. BEGINNING at a point being the intersection of the public road known and designated as State Highway 194 (formerly State Highway 71) and that private roadway known as Smith's Lane, and running thence by and with the eastern boundary of said Smith's Lane a distance of 464 feet to the Northern boundary of the Pennsylvania Railroad right-of-way, thence by and with the said Northern boundary of the Pennsylvania Railroad right-of-way a distance of 375 feet to a point, thence in a Northwardly direction to a point on the Southern boundary of State Highway 194 a distance of 35' feet, thence by and with the said Southern boundary of the said State Highway 194 a distance of 375 feet to the place of beginning, containing 3 $\frac{1}{2}$  acres, more or less.

Being all and the same real estate which was conveyed unto the Mortgagor herein by a deed from W. Cash Smith and Robert W. Smith, dated January 5, 1976, and recorded among the Land Records of Frederick County, Maryland, in Book 1034, page 798.

PANEL NO. II All that tract or parcel of land situate, lying and being, in Woodsboro District, Frederick County, Maryland, and more particularly described as follows BEGINNING at an iron pipe on the south margin of the State Highway between Woodsboro and Lutesbury, said point being at or near the end of the third line of a deed from Fannie H. Birely and Mollie K. Birely to Harry K. Smith and Alice W. Smith, dated October 8, 1931 and recorded in Liber No. 496 at folio No 339, one of the Land Records of Frederick County, and running thence with the east boundary of said parcel S 22° 36' E. 359.5' to the north margin of the Pennsylvania Railroad, thence with the margin of said railroad N 58° 37' E. 1145.0' thence S 31° 58' W. 133.5' to the margin of the State Road, thence S 70° 15' W. 955.47' to a concrete right of way monument, thence by a curved line, the chord of which being a line S 71° 50' W. 155.8' to the point of beginning, containing 4.287 acres of land, more or less.

(less all that lot or parcel of land which was conveyed

LESS all that lot or parcel of land which was conveyed unto Marsh G. Rootman, et ux., et al., by a deed from Smith Bakers, Inc., dated August 30, 1937, as recorded among the Land Records of Frederick County, Maryland, in Book 389, page 24.

Deed all and the same real estate which was conveyed unto the aforesaid Mortgagor by a deed from John D. Azzaro and Carrie L. Azzaro, his wife, dated July 24, 1925, and recorded at Book 549, page 488, one hundred and twenty five thousand dollars.

Parcel No. 1 of the property is the residence and described herein as an unimproved parcel containing approximately 3 1/2 acres, more or less, which is illustrated on Tax Map 34, parcel 77, and Parcel No. II, which is illustrated on Tax Map 34, parcel 40, is improved with a one story building of cement block construction, having no basement. The building has a concrete foundation with concrete floors, bathroom facilities, an office/storeroom area, as well as a garage and loading platform attached thereto. There is also on Parcel No. II, in addition to the main building, a small auxiliary building, well with pump house, private sewage disposal system and yard surfacing. The main building, which was designed as a commercial bakery, has a built-up roof with copper flashing, gutters and downspouts. There are various heating systems interspersed throughout the main building. The property and improvements are being sold "as is" and pursuant to the description contained in the Gloucester mortgage, deed and other land records, and the successful purchaser will be buying such property in total, regardless of deficiency or surplus in actual computed area or regardless of the condition of the same.

**TERMS OF SALE** A deposit of \$25,000.00 of the sale price will be required of the successful bidder at the time and place of sale in the form of cashier's certified or other check acceptable to Assignee, payable or endorsed to the Assignee. The balance of the purchase price shall be paid within 15 business days of the ratification of the sale by the Circuit Court for Frederick County, Maryland (unless postponed at sole option of Assignee), with interest to be paid on the unpaid balance of the purchase price from the date of auction sale to the date of final settlement at the rate of 10% per annum. Taxes and other public charges and assessments shall be adjusted for current year payment to date of sale and assumed thereafter by the purchaser. All costs incident to the settlement and conveyancing, including, without limitation, document preparation, recording costs and taxes, transfer taxes, revenue stamps, agricultural transfer taxes, settlement fees, notary fees, survey expense (if any), and title charges and premiums will be at the cost of the purchaser.

**Assignee reserves the right to withdraw the herein described property from sale at any time. In the event of default, the Assignee, in his sole discretion, reserves the right to declare as forfeited the deposit of purchaser as liquidated damages; to resell the property at the purchaser's risk and collect any deficiency between the sole herein and the subsequent sale from the purchaser, who agrees to pay any such deficiency, or to pursue such other remedy he may have under Maryland law. The property herein is being sold subject to all Federal, State and County laws and ordinances which may affect the property and/or its use, as well as other easements, restrictions, covenants, conditions and other matters of record which may be superior to the mortgagee being foreclosed.**

**NOTE** For additional information, contact the  
Assignee or auctioneer:  
**JOSEPH E. WEILY**

JOSEPH S. WELTY  
Associate

**Assigned:**  
117 West Patrick Street  
Frederick, Maryland 21701

**Frederick, Maryland**  
**662-5155**  
**GREGORY M. BURGETT**  
**Attorney for Assignee**  
**117 West Patrick Street**  
**Frederick, Maryland 21701**  
**662-5155**  
**FRUIT AUCTIONEERS, INC.**  
**15 North Court Street**  
**Frederick, Maryland 21701**  
**663-1225**